

House Bill 1257 (AS PASSED HOUSE AND SENATE)

By: Representatives Knox of the 24th, Maxwell of the 17th, Meadows of the 5th, and Watson of the 91st

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, so as to revise certain definitions; to change certain provisions relating to evaluation of a person with an emergency condition and initiation of intervention without prospective authorization; to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to change certain provisions relating to emergency services requirements; to change certain provisions relating to payments to nonparticipating and nonpreferred providers of health care services; to change certain provisions relating to health benefit plans providing incentives to use services of preferred providers; to exempt certain change of address filings by agents, subagents, counselors, and adjusters from a fee; to provide for certain qualifications for a counselor's license; to provide for the maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, is amended by striking paragraphs (2) and (3) of Code Section 31-11-81, relating to definitions, in their entirety and inserting in lieu thereof the following:

"(2) 'Emergency medical provider' means any provider of emergency medical transportation licensed or permitted by the Georgia Department of Human Resources, any hospital licensed or permitted by the Georgia Department of Human Resources, any hospital based service, or any physician licensed by the Composite State Board of Medical Examiners who provides emergency services.

(3) 'Emergency services' means emergency medical transportation or health care services provided in a hospital emergency facility to evaluate and treat any emergency condition."

SECTION 2.

Said chapter is further amended in Code Section 31-11-82, relating to evaluation of a person with an emergency condition and initiation of intervention without prospective authorization, by striking subsection (b) in its entirety and inserting a new subsection (b) to read as follows:

"(b) If in the opinion of the attending physician or licensed ambulance service personnel acting under the medical direction of an ambulance service medical director as defined in Code Section 31-11-60.1 the evaluation provided under subsection (a) of this Code section warrants, he or she may initiate appropriate intervention to stabilize the condition of the patient without seeking or receiving prospective authorization by an insurer, a health maintenance organization, or a private health benefit plan. No insurer, health maintenance organization, or private health benefit plan may subsequently deny payment for an evaluation, diagnostic testing, or treatment provided as part of such intervention for an emergency condition."

SECTION 3.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by striking subparagraph (A) of paragraph (1) of Code Section 33-20A-9, relating to emergency services requirements, in its entirety and inserting in lieu thereof the following:

"(1)(A) In the event that a patient seeks emergency services and if necessary in the opinion of the emergency health care provider responsible for the patient's emergency care and treatment and warranted by his or her evaluation, such emergency provider may initiate necessary intervention to stabilize the condition of the patient without seeking or receiving prospective authorization by the managed care entity or managed care plan. No managed care entity or private health benefit plan may subsequently deny payment for an evaluation, diagnostic testing, or treatment provided as part of such intervention for an emergency condition. For purposes of this Code section, the term 'emergency health care provider' includes without limitation an emergency services provider and a licensed ambulance service providing 911 emergency medical transportation."

SECTION 4.

Said title is further amended by striking subsection (a) of Code Section 33-24-54, relating to payments to nonparticipating or nonpreferred providers of health care services, in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Notwithstanding any provisions of Code Sections 33-1-3, 33-1-5, and 33-24-17 and Chapter 20 of this title or any other provisions of this title which might be construed to the

contrary, whenever an accident and sickness insurance policy, subscriber contract, or self-insured health benefit plan, by whatever name called, which is issued or administered by a person licensed under this title provides that any of its benefits are payable to a participating or preferred provider of health care services licensed under the provisions of Chapter 4 of Title 26 or of Chapter 9, 11, 30, 34, 35, or 39 of Title 43 or of Chapter 11 of Title 31 for services rendered, the person licensed under this title shall be required to pay such benefits either directly to any similarly licensed nonparticipating or nonpreferred provider who has rendered such services, has a written assignment of benefits, and has caused written notice of such assignment to be given to the person licensed under this title or jointly to such nonparticipating or nonpreferred provider and to the insured, subscriber, or other covered person; provided, however, that in either case the person licensed under this title shall be required to send such benefit payments directly to the provider who has the written assignment. When payment is made directly to a provider of health care services as authorized by this Code section, the person licensed under this title shall give written notice of such payment to the insured, subscriber, or other covered person."

SECTION 5.

Said title is further amended by adding to the end of Code Section 33-30-24, relating to health benefit plans providing certain incentives, the following:

"For purposes of this Code section, when a request for emergency care is made through the emergency 9-1-1 system on behalf of a covered person and the ambulance service licensed under Chapter 11 of Title 31 that was dispatched in response to the request is not a preferred provider, for purposes of payment under paragraph (1) of this Code section, it shall be presumed that the covered person could not reasonably reach a preferred provider."

SECTION 6.

Said title is further amended by striking subparagraph (AA) of paragraph (6) of Code Section 33-8-1, relating to fees and charges generally, and inserting in lieu thereof a new subparagraph (AA) to read as follows:

"(AA) Amendment of filings	25.00
<u>Provided, however, that the Commissioner, in his or her discretion, may</u>	
<u>exempt from such fee change of address filings done off line by agents,</u>	
<u>subagents, counselors, and adjusters.</u>	
<u>(AA.1) Change of address filings done on line by agents, subagents,</u>	
<u>counselors, and adjusters</u>	<u>No charge"</u>

SECTION 7.

Said title is further amended by striking paragraph (6) of subsection (a) of Code Section 33-23-5, relating to qualifications and requirements for license, and inserting in lieu thereof a new paragraph (6) to read as follows:

"(6) If applying for a license as counselor, the applicant must show that he or she either has had five years' experience ~~acting as either~~ as an agent, subagent, or adjuster or in some other phase of the insurance business or has sufficient teaching or educational qualifications or experience which, in the opinion of the Commissioner, has qualified the applicant to act as such counselor; and the applicant shall pass such examination as shall be required by the Commissioner unless the applicant is exempted by the Commissioner, based on the applicant's experience and qualifications and pursuant to a regulation adopted by the Commissioner;".

SECTION 8.

Said title is further amended by striking Code Section 33-23-25, relating to place of business, and inserting a new Code Section 33-23-25 to read as follows:

"33-23-25.

Every licensed agent, subagent, counselor, and adjuster shall have and maintain in this state or, if a nonresident licensee, in the state of domicile, a place of business accessible to the public. The place of business shall be that wherein the licensee principally conducts transactions pursuant to the license. The address of the place of business shall ~~appear on all licenses of the resident licensee~~ be maintained by the Commissioner. All resident and nonresident licensees shall promptly notify the Commissioner in writing within 30 days of any change in the business address."

SECTION 9.

This Act shall become effective on July 1, 2006.

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.